

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

LUNAREYE, INC.,
Appellant

v.

GORDON * HOWARD ASSOCIATES, INC.,
Appellee

2016-1413

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2014-
00712.

ON MOTION

O R D E R

Lunareye, Inc. moves to stay this appeal for 60 days so that it may be consolidated with an anticipated appeal from a related *inter partes* review concerning the same patent and parties and overlapping issues. Gordon * Howard Associates, Inc. opposes the motion.

Lunareye has asserted claim 3 of U.S. Patent No. 6,484,035 (“the ’035 patent”) against Gordon Howard in

the United States District Court for the Eastern District of Texas. Gordon Howard subsequently requested *inter partes* review (“IPR”) of that claim, and upon institution of that review the district court stayed the litigation by joint request of the parties. The Patent Trial and Appeal Board issued a final written decision finding that claim unpatentable, prompting this appeal. Gordon Howard separately requested an IPR of all of the '035 patent's claims, IPR2014-01213. This second IPR also was instituted and remains pending. The parties anticipate a final written decision on or before February 3, 2016.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted to the extent that the time for Lunareye to file its opening brief is extended by 60-days, to April 6, 2016. No further extensions of time should be anticipated.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court